

# EXHIBIT 38

Message

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**From:** John Gregory Berylson [jberylson@gmail.com]  
**on behalf of** John Gregory Berylson <jberylson@gmail.com> [jberylson@gmail.com]  
**Sent:** 12/9/2021 11:32:47 AM  
**To:** Celeste O'Neill <CONeill@goulstonstorrs.com> [CONeill@goulstonstorrs.com]  
**Subject:** Fwd: Hanss Invoice

Please pay from Amy's recent distribution. I have discussed this with her and she understands that I may only have January costs at vanguard. He has been checked and billing is correct. He has been asked not to delay billing in the future. Thanks.

John

Sent from my iPhone

Begin forwarded message:

**From:** Garrett Newton <garrett@reedhilderbrand.com>  
**Date:** December 9, 2021 at 11:20:57 AM EST  
**To:** John Gregory Berylson <jberylson@gmail.com>, "Amy com" <asberylson@aol.com>  
**Cc:** John Grove <johng@reedhilderbrand.com>, Chris Murton <chrismurton@reedhilderbrand.com>, Rich Roberts <rich@truestconstructionservices.com>, "O'Neill, Celeste" <CONeill@goulstonstorrs.com>  
**Subject:** Re: Hanss Invoice



Dear John and Amy,

Bob Hanss has submitted his sixth application for payment for his work at your Wellesley home. I discussed with Amy this invoice comes more than a year and a half from his last payment request and includes a significant portion of his masonry work. The bill total comes to \$487,450 and his backup shown with the full scope of his original agreement is attached. Reed Hilderbrand is in agreement with the schedule of values based on the work completed. This brings the total amount billed to-date to \$1,128,354, which is 45% of the total contract amount of \$2,526,874. It is worth noting this invoice amount will exceed his previous "notice to proceed" agreement amount should you wish to formalize the agreement further (ie extend notice to proceed amount / sign contract).

In addition to the invoice for the contract amount, Hanss is submitting a change order request for various landscape and site items – backup also attached. Reed Hilderbrand is in agreement with these previously approved items which total \$65,740. Line items 3, 10, and 11 pertain specifically to his increased labor costs on the project from the time the agreement was initiated (2018). The 2019, 2020, and 2021 inflation/increases total \$53,288. If you have questions on this or any of the above please let us know and we can get a call scheduled to discuss.

Sincerely,

Garrett C Newton  
Associate

617 972 7924

Reed Hilderbrand LLC  
Landscape Architecture  
130 Bishop Allen Drive  
Cambridge, MA 02139

[www.reedhilderbrand.com](http://www.reedhilderbrand.com)

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**From:** Garrett Newton <garrett@reedhilderbrand.com>

**Date:** Sunday, March 29, 2020 at 1:28 PM

**To:** John Gregory Berylson <jberylson@gmail.com>, Amy Emal <asberylson@aol.com>

**Cc:** John Grove <johng@reedhilderbrand.com>, Rich Roberts <rich@truestconstructionservices.com>, "O'Neill, Celeste" <CONEILL@GOULSTONSTORRS.com>

**Subject:** Re: Hanss Invoice

Hi John,

Attached is Hanss' fifth application for payment in the amount of \$306,764 representing all of his masonry work built to-date. Reed Hilderbrand is in agreement with the schedule of values based on the work completed though you will note that we've held 10% of his costs associated with retaining wall C until we have final client signoff. This brings the total amount billed to-date to \$640,904, which is 25% of the total contract amount of \$2,526,874. Bob continues to operate under his notice to proceed agreement for the amount up to \$742,086. We will prompt him to finalize his contract with you asap.

Sincerely,

**Garrett C Newton**  
Associate

617 972 7924

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Landscape Architecture  
130 Bishop Allen Drive  
Cambridge, MA 02139

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**From:** Garrett Newton <garrett@reedhilderbrand.com>

**Date:** Wednesday, February 26, 2020 at 10:01 AM

**To:** John Gregory Berylson <jberylson@gmail.com>, Amy Emal <asberylson@aol.com>

**Cc:** John Grove <johng@reedhilderbrand.com>, Rich Roberts <rich@truestconstructionservices.com>, "O'Neill, Celeste" <CONEILL@GOULSTONSTORRS.com>

**Subject:** Re: Hanss Invoice

Good morning John,

Please find attached Bob Hanss' fourth application for payment in the amount of \$61,968 for masonry work associated with wall F (Old Farm Road) and pre-purchase of landscape paving materials at the front parking court. Reed Hilderbrand is in agreement with the schedule of values based on the work completed. This brings the total amount billed to-date to \$334,140, which is 13.2% of the total contract amount of \$2,526,874. Bob is currently operating under his notice to proceed agreement for the amount up to \$742,086.

We are working with Bob to bring his invoicing up to date as there are outstanding, unbilled items which have been completed. He is away this week, but we will resolve asap upon his return.

Sincerely,

**Garrett C Newton**  
Associate

617 972 7924

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Landscape Architecture  
130 Bishop Allen Drive  
Cambridge, MA 02139

www.reedhilderbrand.com

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**From:** Garrett Newton <garrett@reedhilderbrand.com>  
**Date:** Wednesday, May 22, 2019 at 9:24 AM  
**To:** John Gregory Berylson <jberylson@gmail.com>, Amy Emal <asberylson@aol.com>  
**Cc:** John Grove <johng@reedhilderbrand.com>, "rich@truestconstructionservices.com" <rich@truestconstructionservices.com>, Robert Carlson <ake@silicapond.com>, "O'Neill, Celeste" <CONeill@GOULSTONSTORRS.com>  
**Subject:** Re: Hanss Invoice

Good morning,

Attached is Hanss' third application for payment for work associated with Wall F along Old Farm Road. We are in agreement with the schedule of values based on the work completed.

Thank you.

Garrett C Newton  
Associate

617 972 7924

Reed Hilderbrand LLC  
Landscape Architecture  
130 Bishop Allen Drive  
Cambridge, MA 02139

www.reedhilderbrand.com

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**From:** Garrett Newton <garrett@reedhilderbrand.com>  
**Date:** Tuesday, April 9, 2019 at 4:18 PM  
**To:** John Gregory Berylson <jberylson@gmail.com>, Amy Emal <asberylson@aol.com>  
**Cc:** John Grove <johng@reedhilderbrand.com>, "rich@truestconstructionservices.com" <rich@truestconstructionservices.com>, Robert Carlson <ake@silicapond.com>, "O'Neill, Celeste" <CONeill@GOULSTONSTORRS.com>  
**Subject:** Re: Hanss Invoice

John and Amy,

Hanss' has provided his second application for payment. See attached in the amount of \$85,264 currently due. Reed Hilderbrand approves this schedule of values based on the work completed. Any change orders to the contract scope / price will be submitted separately.

We've asked Bob to bill monthly as the project moves forward.

Sincerely,

Garrett C Newton  
Associate

617 972 7924

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Landscape Architecture  
130 Bishop Allen Drive  
Cambridge, MA 02139

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**From:** Garrett Newton <garrett@reedhilderbrand.com>  
**Date:** Thursday, January 31, 2019 at 5:26 PM  
**To:** John Gregory Berylson <jberylson@gmail.com>, Amy Emal <asberylson@aol.com>  
**Cc:** John Grove <johng@reedhilderbrand.com>, "rich@truestconstructionservices.com" <rich@truestconstructionservices.com>, Robert Carlson <ake@silicapond.com>  
**Subject:** Hanss Invoice

Dear John and Amy,

Bob Hanss has provided us with his first application for payment for the landscape construction. The amount due is \$106,069. We have reviewed and approve the schedule of values based on the scope of work per the estimated contract amount. The current contract price is \$2,526,874.00 and Bob will be looking to finalize this with you soon. He has ensured the invoicing will be more official for the next payment application.

Let me know if you have any questions.

Sincerely,

**Garrett C Newton**  
Associate

617 972 7924

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